

# **Exhibit A**



**Service of Process  
Transmittal**

04/14/2021

CT Log Number 539383525

**TO:** Donna Shavers  
Albertson's LLC  
PO BOX 160066, 321 MONTGOMERY RD  
ALTAMONTE SPRINGS, FL 32716-0066

**RE: Process Served in Nevada**

**FOR:** Albertson's LLC (Domestic State: DE)

**ENCLOSED ARE COPIES OF LEGAL PROCESS RECEIVED BY THE STATUTORY AGENT OF THE ABOVE COMPANY AS FOLLOWS:**

**TITLE OF ACTION:** HERNALDO MARTINEZ-MESTRE, ETC., PLTF. vs. ALBERTSON'S, LLC, ETC., ET AL., DFTS.

**DOCUMENT(S) SERVED:** -

**COURT/AGENCY:** None Specified  
Case # A21832469C

**NATURE OF ACTION:** Personal Injury

**ON WHOM PROCESS WAS SERVED:** C T Corporation System, Carson City, NV

**DATE AND HOUR OF SERVICE:** By Process Server on 04/14/2021 at 10:05

**JURISDICTION SERVED :** Nevada

**APPEARANCE OR ANSWER DUE:** None Specified

**ATTORNEY(S) / SENDER(S):** None Specified

**ACTION ITEMS:** CT has retained the current log, Retain Date: 04/14/2021, Expected Purge Date: 04/19/2021

Image SOP

Email Notification, Michael McCue Michael.McCue@safeway.com

Email Notification, Donna Shavers donna.shavers@albertsons.com

Email Notification, Risk Management Group RM.Claim.Support@Safeway.com

Email Notification, Carmen Rowland Carmen.Rowland@safeway.com

**REGISTERED AGENT ADDRESS:** C T Corporation System  
701 S. Carson Street  
Suite 200  
Carson City, NV 89701  
866-203-1500  
DealTeam@wolterskluwer.com

The information contained in this Transmittal is provided by CT for quick reference only. It does not constitute a legal opinion, and should not otherwise be relied on, as to the nature of action, the amount of damages, the answer date, or any other information contained in the included documents. The recipient(s) of this form is responsible for reviewing and interpreting the included documents and taking appropriate action, including consulting with its legal and other



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advisors as necessary. CT disclaims all liability for the information contained in this form, including for any omissions or inaccuracies that may be contained therein.

1 **SEI**  
JOHN C. COURTNEY, ESQ.  
2 Nevada Bar No. 11092  
SEBASTIAN F. GAJARDO, ESQ.  
3 Nevada Bar No. 14874  
ANDREW P. DUNNING, ESQ.  
4 Nevada Bar No. 13864  
**LBC LAW GROUP**  
5 3215 W. Charleston Blvd., Ste. 120  
Las Vegas, Nevada 89102  
6 Ph.: (702) 608-3030  
Fax: (702) 463-4443  
7 info@lbcawgroup.com  
*Attorneys for Plaintiff*

8  
9 **EIGHTH JUDICIAL DISTRICT COURT**

10 **CLARK COUNTY, NEVADA**

11  
12 HERNALDO MARTINEZ-MESTRE, an  
individual,

13 Plaintiff,

14 v.

15 ALBERTSON'S, LLC, a foreign limited-  
16 liability company; y, DOES I-X, and  
17 ROES XI-XX,

18 Defendants.

Case No.: A-21-832469-C  
Dept. No.:

19  
20 **SUMMONS - CIVIL**

21 **NOTICE! YOU HAVE BEEN SUED. THE COURT MAY DECIDE AGAINST YOU**  
22 **WITHOUT YOUR BEING HEARD UNLESS YOU RESPOND WITHIN 21 DAYS.**  
**READ THE INFORMATION BELOW.**

23 **TO THE DEFENDANT(S):** A civil Complaint has been filed by the Plaintiff(s) against you for  
24 the relief set forth in the Complaint.

25 1. If you intend to defend this lawsuit, within 21 days after this Summons is served on  
26 you, exclusive of the day of service, you must do the following:

- 27 (a) File with the Clerk of the Court, whose address is shown below, a formal response  
28 to the Complaint in accordance with the rules of the Court, with the appropriate  
filing fee.

1 (b) Serve a copy of your response upon the attorney whose name and address is shown  
2 below.

3 2. Unless you respond, your default will be entered upon application of the  
4 Plaintiff(s) and failure to so respond will result in a judgment of default against you for the relief  
5 demanded in the Complaint, which could result in the taking of money or property or other relief  
6 requested in the Complaint.

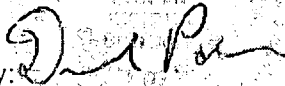
7 3. If you intend to seek the advice of an attorney in this matter, you should do so  
8 promptly so that your response may be filed on time.

9 4. The State of Nevada, its political subdivisions, agencies, officers, employees, board  
10 members, commission members and legislatures each have 45 days after service of this Summons  
11 within which to file an Answer or other responsive pleading to the Complaint.

12 Submitted by:  
13 LBC LAW GROUP

STEVEN D. GRIESON  
CLERK OF THE COURT

14 By: /s/ Sebastian F. Gajardo  
15 Sebastian F. Gajardo, Esq.  
16 Nevada Bar No. 14874  
17 3215 W. Charleston Blvd., Ste. 120  
18 Las Vegas, Nevada 89102  
19 Ph: (702) 608-3030/Fax: (702) 463-4443  
20 Email: info@lbclawgroup.com  
21 Attorneys for Plaintiff

By:  4/7/2021  
Deputy Clerk Date  
Regional Justice Center  
200 Lewis Avenue  
Las Vegas, Nevada 89155

Demond Palmer

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28 **NOTE: When service is made by publication, add a brief statement of the object of the action.  
See Nevada Rules of Civil Procedure 4(b).**

**AFFIDAVIT OF SERVICE**

STATE OF \_\_\_\_\_ )  
 )  
 COUNTY OF \_\_\_\_\_ ) ss:

\_\_\_\_\_, being duly sworn, says: That at all times herein affiant was and is over 18 years of age, not a party to nor interested in the proceeding in which this affidavit is made. That affiant received copy(ies) of the Summons and Complaint, on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_ and served the same on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_ by:

(Affiant must complete the appropriate paragraph)

1. Delivering and leaving a copy with the Defendant \_\_\_\_\_ at (state address)

2. Serving the Defendant \_\_\_\_\_ by personally delivering and leaving a copy with \_\_\_\_\_, a person of suitable age and discretion residing at the Defendant's usual place of abode located at (state address)  
 [Use paragraph 3 for service upon agent, completing (a) or (b)]

3. Serving the Defendant \_\_\_\_\_ by personally delivering and leaving a copy at \_\_\_\_\_ (state address)

(a) With \_\_\_\_\_ as \_\_\_\_\_, an agent lawfully designated by statute to accept service of process;

(b) With \_\_\_\_\_, pursuant to NRS 14.020 as a person of suitable age and discretion at the above address, which address is the address of the resident agent as shown on the current certificate of designation filed with the Secretary of State.

4. Personally depositing a copy in a mail box of the United States Post Office, enclosed in a sealed envelope, postage prepaid (Check appropriate method):

- ☐ Ordinary mail  
☐ Certified mail, return receipt requested  
☐ Registered mail, return receipt requested

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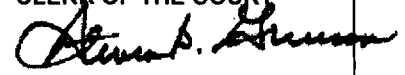
1 addressed to the Defendant \_\_\_\_\_ at Defendant's last known address which is (state  
2 address) \_\_\_\_\_.

3 I declare under penalty of perjury under the law of the State of Nevada that the foregoing is  
4 true and correct.

5 EXECUTED this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

6 \_\_\_\_\_  
7 Signature of person making service  
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Electronically Filed  
4/7/2021 3:10 PM  
Steven D. Grierson  
CLERK OF THE COURT



1 **COMJD**

2 JOHN C. COURTNEY, ESQ.

3 Nevada Bar No. 11092

4 SEBASTIAN F. GAJARDO, ESQ.

5 Nevada Bar No. 14847

6 ANDREW P. DUNNING, ESQ.

7 Nevada Bar No. 13864

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10 Las Vegas, Nevada 89102

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12 Fax: (702) 463-4443

13 Info@LBCLawgroup.com

14 *Attorneys for Plaintiff*

CASE NO: A-21-832469-C

Department 14

8 **EIGHTH JUDICIAL DISTRICT COURT**

9 **CLARK COUNTY, NEVADA**

11 HERNALDO MARTINEZ-MESTRE, an  
12 individual,

13 Plaintiff,

14 v.

15 ALBERTSON'S, LLC, a foreign limited-  
16 liability company; y, DOES I-X, and ROES  
17 XI-XX,

18 Defendants.

Case No.:

Dept. No.:

**COMPLAINT**

**JURY TRIAL DEMANDED**

19 Plaintiff HERNALDO MARTINEZ-MESTRE, by and through his counsel of record, LBC  
20 LAW GROUP, brings this Complaint against Defendants ALBERTSON'S, LLC, DOES I-X, AND  
21 ROES XI-XX (collectively, "Defendants"), and alleges the following:

22 **PARTIES**

23 1. Plaintiff HERNALDO MARTINEZ-MESTRE is, and at all times mentioned in this  
24 complaint was, a resident of Clark County, Nevada.

25 2. Defendant ALBERTSON'S LLC ("ALBERTSON'S") is, and at all times mentioned in this  
26 complaint was, a foreign limited-liability company duly authorized to do business in Clark County,  
27 Nevada.

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1 3. Plaintiff is ignorant of the true names and capacities of Defendants sued herein as DOES I  
2 through X, inclusive, and ROES XI through XX, inclusive, and therefore sues these Defendants by  
3 such fictitious names. Plaintiff will amend his complaint to allege their true names and capacities  
4 when such are ascertained. Plaintiff is informed and believes and thereon alleges that each of the  
5 fictitiously named Defendants is responsible in some manner for the occurrences alleged in this  
6 complaint, and the Plaintiff's damages as alleged were proximately caused by each Defendant's  
7 conduct.

8 4. At all relevant times, Defendants were agents, servants, employees, or joint venturers of  
9 every other Defendant herein, and at all times mentioned herein were acting within the course and  
10 scope of said agency, employment, or joint venture, with knowledge and permission and consent of  
11 all other named Defendants.

12 **JURISDICTION**

13 5. All acts and events alleged in this Complaint took place in Clark County, Nevada.

14 6. The amount in controversy, represented by actual damages caused to Plaintiff, exceeds  
15 \$15,000.00.

16 **GENERAL STATEMENT OF FACTS**

17 7. On or about July 10, 2019, Plaintiff was a patron of ALBERTSON'S located at 2885 East  
18 Desert Inn Road, Las Vegas, Nevada 89121 (the "Property").

19 8. As Plaintiff was at the cash register completing his transaction, Plaintiff slipped on an  
20 unknown liquid substance on the floor of the property (the "Dangerous Condition").

21 9. Upon information and belief, there were no signs or cones warning of the Dangerous  
22 Condition on the floor.

23 10. Upon Information and belief, at all times relevant hereto, the Property was owned, operated,  
24 and/or managed by Defendant ALBERTSON'S.

25 11. Defendants knew, or reasonably should have known, that the Dangerous Condition existed  
26 on the Property.

27 12. As a direct and proximate result of the incident described above, Plaintiff suffered bodily  
28 injury.

1 13. As a direct and proximate result of his slip and fall, Plaintiff has been limited in the  
2 recreational, household, and activities he can perform, which has in turn caused him to suffer pain  
3 and suffering, physical impairment, mental anguish, and loss of enjoyment of life in a presently  
4 unascertainable amount.

5 14. The slip and fall resulted through no fault of Plaintiff.

6 **FIRST CAUSE OF ACTION**

7 **(NEGLIGENCE)**

8 15. Plaintiff re-alleges paragraphs 1 through 14 as though fully set forth herein.

9 16. Defendants owed Plaintiff a duty of care, including but not limited, to warning plaintiff of  
10 non-obvious dangerous conditions and to keep the premises in a non-hazardous state.

11 17. Defendants breached the duty of care by creating or permitting a dangerous condition to  
12 exist on its premises and/or not warning of such condition.

13 18. As a direct and proximate result of Defendants' negligence, Plaintiff sustained damages in  
14 an amount in excess of \$15,000.00.

15 19. Plaintiff has been required to engage the services of an attorney, incurring attorney's fees  
16 and cost to bring to this action.

17 **SECOND CAUSE OF ACTION**

18 **(NEGLIGENT HIRING, TRAINING, SUPERVISION, AND RETENTION)**

19 20. Plaintiff re-alleges paragraphs 1 through 19 as though fully set forth herein.

20 21. Defendants owed a duty of care to Plaintiff to adequately hire, train, supervise, and retain  
21 its employees, agents, and independent contractors to ensure that a safe environment was provided  
22 for its invitees and/or licensees.

23 22. Defendants breached said duty by hiring employees, agents, and/or independent contractors  
24 with reckless or irresponsible propensities even though it knew, or should have known, of the  
25 reckless or irresponsible propensities of said employees, agents, and/or independent contractors.

26 23. Defendants further breached this duty by failing to train its employees, agents, and/or  
27 independent contractors to keep the Property safe for the use of its invitees and/or licensees

28 ///

1 24. Defendants further breached this duty by failing to supervise its employees, agents, and/or  
2 independent contractors to ensure that their duties were performed in a safe manner.

3 25. Defendants further breached this duty by retaining employees, agents, and/or independent  
4 contractors who previously conducted themselves in an unsafe and/or careless manner.

5 26. As a direct and proximate result of Defendants' negligent hiring, training, supervision and  
6 retention, Plaintiff sustained damages as described in Paragraph 18.

7 **THIRD CAUSE OF ACTION**

8 **(NEGLIGENT INSPECTION AND MAINTENANCE)**

9 27. Plaintiff re-alleges paragraphs 1 through 26 as though fully set forth herein.

10 28. Defendants owed Plaintiff a duty to inspect and maintain the Property so that the Dangerous  
11 Condition did not exist.

12 29. Defendants breached that duty when it failed to inspect, maintain, or otherwise discover the  
13 Dangerous Condition.

14 30. As a direct and proximate result of Defendants' negligent inspection and maintenance,  
15 Plaintiff sustained damages as described in Paragraph 18.

16 **PRAYER FOR RELIEF**

17 WHEREFORE, Plaintiff respectfully requests the following relief from this Honorable Court:

- 18 1. General and Special Damages in excess of \$15,000;
- 19 2. Attorney Fees and Costs;
- 20 3. Pre- and Post-Judgment Interest; and
- 21 4. Any and All Other Relief Deemed Appropriate by this Honorable Court.

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**DEMAND FOR JURY TRIAL**

Plaintiff hereby demands the right to have his case heard by a jury.

RESPECTFULLY SUBMITTED this 7th day of April 2021.

By: /s/ Sebastian F Gajardo

JOHN C. COURTNEY, ESQ.

Nevada Bar No. 11092

SEBASTIAN F. GAJARDO, ESQ.

Nevada Bar No. 14874

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